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SOURCE METHOD EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2008

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TELEGRAM

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WELFARE/WHEREABOUTS: DESTAN BERISHA. INTEREST CONGRESSMAN CONTE.

1. BERISHA CONVICTED FEB 1 UNDER ARTICLE 117, YUGOSLAV CRIMINAL CODE FOR MEMBERSHIP MAIN COUNCIL EMIGREE ORGANIZATION, LEAGUE OF PRIZREN, WHOSE CHARTER CALLS FOR SEPARATION OF SOUTHERN SERBIA (KOSMET) FROM YUGOSLAVIA. SENTENCE THREE YEARS, SIX MONTHS IMPRISONMENT WITH CREDIT FOR FIVE MONTHS IN INVESTIGATIVE CUSTODY. DEFENSE LAWYER WILL APPEAL; SEEKING BOTH REVERSAL OF VERDICT AND REDUCTION OF SENTENCE. CHANCES OF LATTER POSSIBLE BUT NOT PROBABLE SINCE MINIMUM

PAGE 2 RUFIRB 2129 C O N F I D E N T I A L LIMITED OFFICIAL USE SENTENCE UNDER ARTICLE IS ONE YEAR AND PROSECUTOR HAD SOUGHT UP TO FIFTEEN YEARS CONFINEMENT. AFTER COMPLETION ONE-HALF SENTENCE, BERISHA WILL BE ELIGIBLE FOR RELEASE THROUGH PAROLE.

2. MAJOR CHARGE OF ESPIONAGE, ARTICLE 105, WITHDRAWN BY PROSECUTION AFTER COMPLETION TESTIMONY WHICH FAILED TO SUBSTANTIATE SEVERAL KEY POINTS IN INDICTMENT, IN PARTICULAR, ALLEGATION HOSTILE INTENTION "U.S. INTELLIGENCE SERVICE" AND

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who says so? BERISHA TOWARD YUGOSLAVIA. CAREFUL QUESTIONING BY JUDGE AND SUPERB DEFENSE EFFORT BY BERISHA'S ATTORNEY, CAUSED SEVERAL WITNESSES TO CHANGE OR RETRACT DAMAGING TESTIMONY GIVEN DURING PRE-TRIAL INVESTIGATION.

3. THOUGH SENTENCE BY U.S. STANDARDS HARSH, CONDUCT OF TRIAL SCRUPULOUSLY FAIR. CONSUL ATTENDED ALL SESSIONS DURING FOUR-DAY-TRIAL PERIOD. BERISHA LOOKED PHYSICALLY WELL AND WHILE OBVIOUSLY UNHAPPY BECAUSE OF SENTENCE, WAS HIGHLY SATISFIED WITH HIS DEFENSE.

4. SEVERITY OF SENTENCE TO BE PARTLY EXPLAINED BY BERISHA'S

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GUILT BY ASSOCIATION WITH DZAFER DEVA, INTERIOR MINISTER OF KOSMET, DURING FASCIST OCCUPATION. YUGOSLAVS CONSIDER DEVA MAJOR WAR CRIMINAL AND SEPARATIST AND EVIDENCE PLACED DEVA NOT ONLY IN SAME EMIGREE ACTIVITIES IN NEW YORK BUT ALSO IN ITALIAN CAMP WHERE BERISHA ALLEGEDLY RECEIVED ESPIONAGE TRAINING UNDER U.S. SPONSORSHIP.

5. THUS BERISHA CASE MUST BE VIEWED IN THE PARTICULAR CONTEXT OF KOSMET AND SHIPTAR NATIONALITY PROBLEM. OFFICIALS IN KOSMET ARE EVER WATCHFUL AND WORRIED ABOUT POSSIBLE INCITEMENT. THUS GENUINE CONCERN AND FEAR ON THEIR PART OF SEPARATIST ACTIVITIES PROBABLY MOTIVATED DECISION TO TRY BERISHA RATHER THAN ANY DESIRE TO CREATE SENSATION OR RECEIVE NATIONAL PUBLICITY.

6. THOUGH TRIAL WELL ATTENDED BY LOCAL POPULACE, PARTICULARLY SHIPTAR PEASANTS, NO PRESS COVERAGE EVIDENT AND NO STORY THUS FAR IN YUGOSLAV PRESS. BERISHA'S LAWYER VERY GRATEFUL FOR THIS AND EXPRESSED HOPE THAT THERE WILL BE NO U.S. PUBLICITY PARTICULARLY REGARDING DROPPED ESPIONAGE CHARGE. ACCORDING TO

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HIM UDBA OFFICIALS STILL CLING TO BELIEF THAT BERISHA

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PARACHUTED IN UNDER U.S. SPONSORSHIP AND SOME OF THEM VERY
UNHAPPY OVER CHARGE WITHDRAWAL. LAWYER FEELS BETTER TO LET
SLEEPING DOGS LIE. EMBASSY CONCURS. DETAILS AND OTHER
VIEWS FOLLOW BY AIRGRAM.

EXEMPT. ELBRICK

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